

PROB 12B  
(7/93)

Report Date: January 13, 2010

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 14 2010

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

Name of Offender: Leopoldo Alcala Zaragoza

Case Number: 2:06CR02138-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 5/16/2007

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm,  
18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 12/31/2009

Original Sentence: Prison - 27 Months; TSR - 36  
Months

Date Supervision Expires: 12/30/2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 18 Defendant shall participate in the home confinement program for 180 days. Defendant shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system.

**CAUSE**

On February 19, 2009, this Court found Mr. Zaragoza in violation of his supervised release and revoked his term, sentencing him to 12 months of incarceration, 6 months of home confinement without electronic monitoring, and 24 months of supervised release.

Mr. Zaragoza was released from the custody of the Bureau of Prisons (BOP) on December 31, 2009. During the morning of January 1, 2010, at approximately 0005 hours, officers from the Yakima Police Department responded to report of shots fired. It was reported that the suspect's vehicle was stuck in the snow. An officer observed the vehicle and made contact with the four occupants inside the car. The officers detained the subjects and determined the person seated in the back seat on the passenger side of the vehicle was Leopoldo Zaragoza. A search of the vehicle revealed a .357 revolver in the glove box of the car. A shell casing was found inside the vehicle. After receiving their Miranda warning, Rogelio Zaragoza, the defendant's brother, who is an eight time convicted felon and is currently on supervision with the Washington State Department of Corrections, disclosed to the officers that the firearm belonged to him, and he had fired the shots. He was arrested, and the other individuals were released.

This officer met with Leopoldo Zaragoza on January 4, 2010, and reviewed his Court ordered conditions with him, which included his obligation to report contacts with law enforcement within 72 hours, he is not to have contact with other convicted felons without permission or associate with persons engaged in criminal activities, and he is not to be in possession of any firearms. During my conference with Mr. Zaragoza, he did not advise me of the above-noted incident. Of concern is the fact that he had been released from custody of BOP less than 24 hours prior to this incident,

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**Re: Zaragoza, Leopoldo Alcala**

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he was with his brother who he knows is a convicted felon, he was in a vehicle where criminal activity was allegedly taking place, and a firearm was located inside the vehicle and could have been accessed by Mr. Zaragoza. Also, Mr. Zaragoza completed his monthly report form dated January 4, 2010, and he checked "no" to the question asking if he had been questioned by any law enforcement officer.

Additionally, on November 20, 2009, Mr. Zaragoza met with San Juanita Coronado, US Probation Officer, at the Franklin County Work Release where she reviewed the Court ordered conditions with him, and he signed the copy.

Pursuant to the above-mentioned special condition #18, due to Mr. Zaragoza's behaviors and the difficulty in knowing of his whereabouts, this officer respectfully requests the Court modify the defendant's condition to:

The defendant shall participate in the home confinement program for 180 days. Defendant shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system.

Mr. Zaragoza has agreed to this modification and asks the Court to grant the modification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 13, 2010

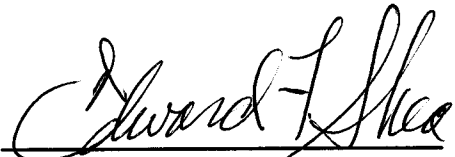
s/Stephen Krous

Stephen Krous  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

1/14/10

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

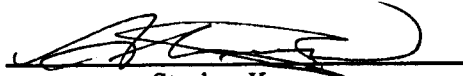
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


To modify the conditions of supervision as follows:

- 18 The defendant shall participate in the home confinement program for 180 days. Defendant shall abide by all the requirements of the program, which will include electronic monitor or other location verification system.

Witness:

  
Stephen Krous  
U.S. Probation Officer

Signed:

  
Leopoldo Alcala Zaragoza  
Probationer or Supervised Releasee

January 13, 2010

Date